

**United States District Court
Eastern District of Pennsylvania**

ERIC SUBER and MARY LYNNE FORREY-SUBER, on their own behalf and on behalf of all others similarly situated,	:	
	:	Case No. 2:21-cv-4750-GAM
Plaintiffs,	:	
	:	
v.	:	
	:	
Liberty Mutual Insurance Group, Inc., d/b/a Liberty Mutual Insurance, Liberty Mutual Insurance Company, Safeco Insurance Company of America, and LM General Insurance Company,	:	
	:	
Defendants.	:	
	:	

PLAINTIFFS' MOTION TO STRIKE DIRECTED TO LM GENERAL INSURANCE COMPANY ("LM GENERAL") REGARDING FOOTNOTE FIVE OF MOTION TO DISMISS AND PORTIONS OF LM GENERAL'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS' COMPLAINT

Plaintiffs Eric Suber and Mary Lynne Forrey-Suber, by and through their attorneys, respectfully move this Court for an order pursuant to Fed. R. Civ. P. 12(f) and Local R. Civ. P. 7.1, striking footnote five of Defendants' Motion to Dismiss (ECF 11-1) as well as portions of the Answer and Affirmative Defenses to Plaintiffs' Complaint filed by LM General (ECF 12). The grounds for this Motion are set forth in the accompanying Memorandum of Law, which is incorporated by reference as if fully set forth herein.

Dated: February 9, 2022

Respectfully submitted,

/s/ Kevin W. Fay

Kenneth J. Grunfeld, Esquire

Kevin W. Fay, Esquire

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CERTIFICATE OF SERVICE

I, Kevin Fay, Esquire, hereby certify that on this 9th day of February, 2022, the foregoing Motion to Strike Directed to Defendant LM General Insurance Company was filed via the Court's CM/ECF Filing System.

Respectfully submitted,

/s/ Kevin W. Fay
Kevin W. Fay Esquire
Attorney for Plaintiffs